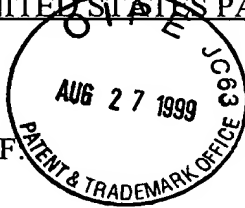


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IN THE UNITED STATES PATENT & TRADEMARK OFFICE



IN RE APPLICATION OF :

Ryuichi ISHIKAWA, et al. : GROUP: 3729

SERIAL NO: 09/160,581 :

FILED: SEPTEMBER 25, 1998 : EXAMINER: RUSHING JR., B

FOR: CUTTING DEVICE AND CUTTING METHOD FOR OPTICAL FIBER

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, DC 20231

SIR:

In response to the Restriction Requirement stated in the Official Action dated July 28, 1999, Applicants provisionally elect with traverse Group (Invention) II, Claims 3-4, drawn to a cutting method classified in class 83, subclass 34.

Applicants respectfully traverse the outstanding Restriction Requirement. The Restriction Requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Independent Claim 1 recites a device for cutting an optical fiber while the other

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independent Claim 3 recites a method for cutting an optical fiber. Both Claims 1 and 3 are therefore directed to the art of cutting an optical fiber. Accordingly, it is believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-4 be conducted.

Respectfully submitted,

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DOCKET NO: 0041-0619-3

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: U.S. Application

Serial No: 09/160,581

Filed: September 25, 1998

Group: 3729

Inventor: Ryuichi ISHIKAWA, et al.

For: CUTTING DEVICE AND CUTTING  
METHOD FOR OPTICAL FIBER

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of \$-0- is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

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